



**THREE AFFILIATED TRIBES  
TRIBAL BUSINESS COUNCIL  
REGULAR MEETING NO. 05-15-NH  
JUNE 09, 2005**

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**CALL TO ORDER:**

Chairman, Tex G. Hall called the meeting to order at 11:30 a.m., and took a moment for a silent prayer.

**ROLL CALL:**

Members present: Chairman Tex G. Hall, Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, Councilman Marcus D. Wells, Councilman Malcolm Wolf, Councilman Mervin Packineau, and Councilman Nathan Hale. A quorum was established with seven members present.

**01. APPROVAL OF THE AGENDA:**

Councilman Whitecalfe moved for approval of the agenda as amended.

Councilman

Hale seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**02. CHAIRMAN'S REPORT:**

- Cobell Case
- Power Point Lewis & Clark
- Return of the Lakeshore
- HIP/GA:
- New Hospital Report-July Meeting Agenda -James Foote
- Master Plan 15 Year

**03. RESOLUTION NO. 05-85-NH, TRIBAL BUSINESS COUNCIL DIRECTIVE TO TWIN BUTTES SCHOOL TO PREPARE AND SUBMIT TRAVEL BUDGETS FOR FY 2006, 2007 and 2008.:**

Councilman Whitecalfe moved for approval of a Resolution entitled, "Tribal Business Council Directive to Twin Buttes School Board to prepare and submit travel budgets for Fiscal Years 2006, 2007, and 2008 to the Tribal Business Council." Councilman Spotted Bear seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**04. RESOLUTION NO. 05-86-NH, APPROVAL OF UP TO \$4,000,000 TRIBAL MATCH FOR THE CONSTRUCTION OF THE TWIN BUTTES SCHOOL COST SHARE:**

Councilman Whitecalfe moved for approval of a Resolution entitled, "Tribal Business Council Directive to Twin Buttes School Board Cost Share," subject to availability of funds." Councilman Spotted Bear seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.



**05. RESOLUTION NO. 05-87-NH, INSTRUCTIONS TO OTFM REGARDING FUND TRANSFERS AND DRAWS. \$10 MILLION REVOLVING LINE OF CREDIT, (July TBC Agenda)**

Councilman Whitecalfe moved for approval of a Resolution entitled, "Instructions to OTFM Regarding Fund Transfers and Draws." Councilman Wells seconded the motion.

VOTE: 6 Ayes, 1 Nay, 0 Abstention, 0 Not voting. Motion carried.

**06. NORTHERN LIGHTS STREET REPORT:**

The Contract with Fort Berthold Development Corporation for the streets was denied at first with schedule A, B, C and paid with a BIA contract, letter to proceed soon with the 1.2 Million dollar Street Lights Project. Resolution to 638 Contract failed to respond.

They negotiated reimbursement of \$35,000 that will be going back into the Roads.

**07. RESOLUTION NO. 05-88-NH, AUTHORIZATION TO NEGOTIATE, ENTER, INTO AND EXECUTE A LOAN OF \$540,000 FOR MANDAREE SCHOOL:**

Councilman Hale moved for approval of a Resolution entitled, "Authorization for Tribal Chairman Tex G. Hall to negotiate, enter into and execute a loan of \$540,000 to be used for payment of Mandaree School construction cost overruns. Councilman Packineau seconded the motion.

VOTE: 6 Ayes, 0 Nay, 0 Abstentions, 0 Not voting. Motion carried.

**08. TREASURERS REPORT:**

- A. Cost and upkeep of the current Financial System [\$1, 674, 047, 82]
- B. Current Accounting System

**09. PURCHASE OF ACCUFUND SOFTWARE:**

Councilman Whitecalfe moved for approval to purchase to Accufund Software for the Finance Department at a cost \$400,000. Councilman Hale seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**10. MAKING CHANGES WITHIN FINANCE:**

- Enrolled members involved
- Work with Executive Committee on Personnel issues
- Time and Attendance Issues

**11. CONSULTANT AGREEMENTS:**



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Councilman Whitecalfe moved for approval to execute a consultant agreement for 2005 with Otto F. Gausch who will be compensated 30% any revenue he recovers from the Motor Fuel taxes, with approval of his consultant agreement subject to legal review. Councilman Wolf seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**12. CONSULTANT AGREEMENT RALPH HUYBRECHTS:**

Councilman Whitecalfe moved for approval of a 30-day, extension of Ralph Huybrechts consultant agreement of \$40,000, to help Acting CFO with managerial duties, and subject to legal review of his consultant agreement. Councilman Packineau seconded the motion.

DISCUSSION: Brandon Hand assured the Council there's money available to pay the consultants.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**13. BUDGETARY INFORMATION:** Agenda for the next Tribal Business Council Meeting.

- *GRANTS AND DONATIONS:* Should reduce costs because of cash flow
- *PARSHALL RESOURCES CENTER/DETOX:* Budget should be \$150,000
- *TRIBAL HEALTH OUTREACH:*
- *COPS FAST:* Over-budgeted because of incoming expense report. *Solid budget line items.* Needs to be addressed solid budget to put in cuff accounts.
- *CEDS:* \$77,000 over- Needs to write grants
- *CUFF ACCOUNTS:* *Bonnie Red Fox mentioned cuff accounts were required before 2005.* Brandon Hand stated Accufund will kick out reports and when budgets are depleted in 2006 it will red flag and won't print a check, which is a good mechanism to stop the spending. Aging Meal sites are over expended, but they weren't told they needed a cuff account. CEO Office hasn't enforced the directive, and even Finance Department didn't have cuff accounts. Brandon will make sure make sure that the Council gets reports are on a monthly basis and will be meeting with all of the Directors whose programs are over budgeted. For future reference, the Tribe Can't count revenue projections they are not going to receive. *Contract Officer has not been done with the report.* Contract Officers will be assigned to each program.
  
- *KMHA/ MHA TIMES:* These entities are over budgeted

**14. PAYMENT OF USDA RURAL LOAN PAYMENT:**



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Councilman Whitecalfe moved for approval to pay the USDA Rural Loan Payment No. 11 in the amount of \$74,548. Councilman Hale seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**15. MARY G. ROSS AWARD:**

Chairman Tex G. Hall was awarded the "Mary G. Ross" and presented at the American Spirit Award, June 21-22, 2005.

**16. HOME PURCHASE LOAN MYRON FOOTE:**

Councilman Packineau moved for approval of a Home Purchase Loan of \$2,000 from the Tribal Housing Program for Myron Foote. Councilman Hale seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**17. EDUCATION LOANS:**

- Accounting situation.
- Independence Program
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**18. SMALL LOANS:**

No money for loans  
Two Budget cuts of \$78,000  
Operating on a budget of \$50,000 per year.  
Costs of salaries and benefits.

**19. FINANCIAL REQUEST, TREVOR BAKER:**

Deferred Add-on

**20. RESOLUTION NO. 05-89-NH, CLARKE AND MARLENE FOX LAND EXCHANGE:**

Councilman Whitecalfe moved for approval of a land exchange between Clarke & Marlene Fox and the Tribe. Councilman Hale seconded the motion.  
Description of lands: [Get from Annette]

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**21. NATURAL RESOURCES STAFF TRAVEL:**

Councilman Spotted moved for approval of travel to Spearfish, South Dakota, to attend training on new regulations, for Lorry Little Swallow, John Jack Rabbithead, and Ed Fox.. Councilman Hale seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**22. RESOLUTION NO. 05- -NH, AMENDMENT OF RESOLUTION NO. 00-02-DSB, ALLOCATIONS FOR GRAZING RATES ON FORT BERTHOLD:**



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Councilman Packineau moved for approval to reaffirm the amendment of Resolution No. 00-02-NH, in a Special Meeting on June 7, 2005, which describes, "Modification of Tribal Business Council Resolution No. 00-02-DSB, regarding, "Provisions for Allocation of Grazing Permits on the Fort Berthold Reservation." Councilman Whitecalfe seconded the motion.

VOTE: 4 Ayes, 3 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**23. RESOLUTION NO. 05-90-NH, ADOPTION OF SUPPLEMENTAL PERSONNEL POLICY AND PROCEDURES REGARDING DEMOTION AND REDUCTION IN RANK FOR GTF JUSTICE CENTER.:**

Councilman Whitecalfe, moved for approval of a Resolution entitled, "adoption of Personnel Policy and Procedures regarding Demotion and Reduction in Rank for the GTF Justice Center. Councilman Packineau seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**24. PROPOSED MOU OF THE YCC:**

Councilman Packineau moved for approval of a proposed memorandum of understanding of the Youth Correction Center. Councilman Whitecalfe seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**25. MARK FOX SALARY AND WAGE INCREASE:**

Councilman Whitecalfe moved for approval to authorize an increase for Mark Fox from \$24.00 to \$26.00 per hour. Councilman Packineau seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**26. RESOLUTION NO. 05-91-NH, APPROVAL OF FUNDING FOR MOA FORT BERTHOLD HOUSING, FOUR BEARS AND WHITE SHIELD AREA RELATING TO THE EMPLOYMENT OF SECURITY OFFICERS FOR ALL SEGMENTS:**

Councilman Hale moved for approval of a Resolution entitled, "Approval of Funding of MOA, Fort Berthold Housing Authority and Four Bears/White Shield Districts Relating to the Employment of Security Officers for these segments." Councilman Wells seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**27. RESOLUTION NO. 05-92-NH, DOMESTIC VIOLENCE CODE:**

Councilman Packineau moved for approval of the "TAT Domestic Violence Code," and to authorize the Tribal Court to submit Domestic Violence Convictions to be printed in the MHA Times. Councilman Wells seconded the motion.



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DISCUSSION: Non-Indians committing domestic violence on the Reservation should be under in the jurisdiction of the Tribal laws.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried

**28. ICWA-"BABY EVAN."**

Councilman Packineau moved for approval of the Judicial Committee's recommendation to fund the case with Social Service money up to \$5,000 ICWA Case. Councilman Wells seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**29. RESOLUTION NO. 05-93-NH, JUVENILE ACCOUNTABILITY DISCRETIONARY GRANT:**

Councilman Packineau moved for approval of a Resolution entitled, "Juvenile Accountability Discretionary Grant." Councilman Wolf seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**30. RESOLUTION NO. 05-94-NH, CULTURAL CENTER EDI VA-HUD B-05-SP-ND0864 FOR 2005."**

Councilman Wells moved for approval of a Resolution entitled, "\$347,200 VA-HUD B-05-SP-ND0864 FOR 2005." Councilman Hale seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**31. RESOLUTION NO. 05-95-NH, "CULTURAL CENTER EDI VA-HUD B-05-SP-ND0213 FOR 2005."**

Councilman Hale moved for approval of a Resolution entitled, "\$120,280.00, Cultural Center, EDI VA-HUD B-SP-ND0213 for 2005. Councilman Wells seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**32. TRANSFER OF SHERRI GILLETTE:**

Councilman Wells moved for approval to transfer Sherrie Gillette to the Tourism Program at the same rate of pay, effective June 13, 2005. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**33. TREVER BAKER:**

Councilman Wells moved for approval of a \$250 grant for Trever Baker to travel to Cooperstown, New York. Councilman Packineau seconded the motion.



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VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried

**34. BAKERSFIELD SPEED BUMPS:**

Councilman Hale said that Roads would not put in speed bumps because of being held liable.

**35. HOME OF CHAMPIONS REQUEST FOR FUNDS.**

Councilman Packineau moved for approval of a grant of \$6,000 to fund the 1<sup>st</sup> Annual "Home of the Champions," Bull riding, with the Four Bears Casino to share the cost, one-half, (\$3,000) with the Four Bears Casino and Lodge, to come out of the Contingency Fund. Councilman Spotted Bear seconded the motion.

VOTE: 4 Ayes, 1 Nays, 1 Abstentions, 0 Not voting. Motion carried.

**36. ARLIE KNIGHT REQUEST:**

Councilman Wells moved for approval to purchase a small model of an Earth lodge from Arlie Knight for \$1500, paid from the grants and donations line item and placed in the lobby of the Tribal Administration building. Councilman Hale seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**37. RESOLUTION NO. 05-96 -NH, APPROVAL OF ELIGIBLE HIP APPLICANTS FOR FY-2006:**

Councilman Wells moved for approval of a Resolution entitled, "Approval of Eligible HIP Applicants." Councilman Packineau seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**38. APPROVAL OF RE-MODIFIED BUDGET OF FY-05, SALARY INCREASE FOR DIRECTOR:**

Councilman Wells moved for approval of a salary increase for HIP Coordinator, Connie Fox @ \$15.00 to \$17.00 per hour. Councilman Hale seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**39. MARY ALICE WELLS ELDERS GARAGE ESTIMATES:**

Councilman Hale moved for approval to purchase material @\$2496.76 for a garage for Mary Alice Wells to be taken from the Contingency Fund. Councilman Packineau seconded the motion.

Councilman Hale amended his motion to read" \$2496.76 for garage materials, and for the medical up to \$3,000, subject to the medical policy of the Tribe. Councilman Packineau concurred with the amendment.



VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**40. ELDERS GARAGES FOR ALL SEGMENTS:**

Councilman Wells moved for approval that the other five segments be afforded a garage for an elder who is waiting in line, and to work with Dennis Deutsch on the dollar figure. Councilman Packineau seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**41. SPIRIT RIDERS FINANCIAL REQUEST:**

Councilman Wells moved for approval of \$3,000 for the Spirit Riders, with the cost to be shared with the Four Bears Casino and Lodge, [\$1550], subject to submitting a budget. Councilman Whitecalfe seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried

**42. VETERANS SERVICE DEPARTMENT:**

Councilman Wells moved for approval to modify the Veterans Service Department's budget to \$21, 930.00; and gave authorization to get quotes and estimates for the purchase of a vehicle for the program. Councilman Hale seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

Councilman Wells moved for approval to have the Chairman do a letter to the Indian Health Services and VA requesting an execution of a Memorandum of Understanding on the local level. Councilman Packineau seconded the motion.

DISCUSSION: A recommendation from the Tribal Health Director was to use the Parshall Clinic as a health site for VA doctors to see Veteran patients once a month.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**43. RESOLUTION NO. 05-97-NH ICDBG BUILDING MAINTENANCE PLAN FOR 4-BEARS AND MANDAREE WEST SEGMENT MULTI-PURPOSE BUILDING:**

Councilman Wells moved for approval of a Resolution entitled, "Indian Community Development Block Grant for Four Bears and Mandaree West Segment Multi-purpose building. Councilman Hale seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**44. INTERGOVERNMENTAL ACT ASSIGNMENT OF TED BOLMAN:**





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Councilman Wells moved for approval to authorize the Chairman to negotiate an IPA Assignment between the Tribe and Ted Bolman. Councilman Hale seconded the motion.

Under discussing that the Tribe would be responsible for 50% of the salary, Councilman Hale withdrew his second. Motion dies.

**45. MHA GUNZ CHRISTIAN BASKETBALL CAMP: ALFRED SMITH FINANCIAL REQUEST:**

Councilman Wells moved for approval of a financial request of \$1500 to the MHA Gunz who are comprised of 10 area boys' ages 12 years old, and coached by Alfred Smith, to help defray the costs of attending a basketball camp. Councilman Spotted Bear seconded the motion.

VOTE: 7 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**46. MMI BUDGETS FOR INTENSIVE IN-HOME STATE FUNDING:**

- In-Home State Funding Grant of \$40,000 will end June 30, 2005, need to spend \$20,000 before June 30, 2005, purchasing computers, pay insurance for vehicles. There are two positions written in the grant. The Social Services Director is requesting authority to submit purchase orders to obligate the money before the end of the funding cycle. The Acting Chief Financial Officer could write on behalf of program and ask for an extension for three months.
- Medicine Moon Initiative five-year federal grant with an ending cycle of September 30, 2005, the amount is \$68,000. The grant has \$20,000 for purchasing computers.
- A server will be purchased and the Acting MIS, Director, Lisa Young Bear will be the support person. The grant is targeted for the Campaign for Foster Parent Recruitment. The Public Relations Office will assist in accomplishing the grant objectives by writing articles and public service announcement, taking pictures of foster parents, so they will purchase a professional computer camera to use for all events.

**47. MANAGEMENT TEAM:**

- A transfer of employees' process -need paper trail-major problem is no paperwork.
- Disappointed in the grievance process, withdrawing the grievance means the employee will be terminated and was instructed to pay employee until matters are cleared. The Director will write a letter to the Grievance Officer requesting a final decision.

**48. SPECIAL EVENTS LICENSE:**

Councilman Spotted Bear moved for approval of a Special Events license on June 18-19, 2005, for Sharon Jacobs. Councilman Hale seconded the motion.





**54. ROBERT BIRD BEAR: EXECUTIVE SESSION**

**55. PERSONNEL ACTIONS: EXECUTIVE SESSION**

**56. VERNON YOUNG BEAR REQUEST:**

Councilman Wells moved for approval to purchase 500 rounds of ammunition that will cost \$274.75 and paid from the Criminal Investigator Budget. Councilman Packineau seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**57. ADJOURNMENT:**

Councilman moved for approval to adjourn the meeting at 10:00 p.m. Councilman Wolf seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not voting. Motion carried.

**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum 7 were present at the Regular Meeting thereof duly called, noticed, convened and held on the 15<sup>th</sup> day of August , 2005; that the foregoing Minutes were amended and duly adopted at such meeting by the affirmative vote of 7 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Chairman  Voting.  Not voting.

Dated this 15<sup>th</sup> day of August , 2005.

ATTEST:

Tribal Secretary, Nathan Hale  
Tribal Business Council  
Tribal Business Council

Tribal Chairman, Tex G. Hall  
Three Affiliated Tribes  
Three Affiliated Tribes